83-481

No. ———

SUPREME COURT, U.S.
FILED
SEP 26 1983
ALEXANDER L. STEVAS,

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM 1983

———

EDDIE THOMPSON, JR.,

Petitioner-Plaintiff,

v

JUNE HEDRICK
JOSEPH CONDIT,

Respondents-Defendants.

———

BRIEF IN OPPOSITION TO PETITION FOR WRIT OF CERTIORARI

———

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QUESTION PRESENTED

1. Has the Petitioner stated any issue which has any relevancy or connection to the single issue of the case as considered by the Sixth Circuit Court of Appeals, to-wit: "Did the Court properly grant the Defendants, Hedrick and Condit, dismissal of the complaint on their motion for summary judgment?"

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STATEMENT OF THE CASE

Plaintiff alleged that June Hedrick, Director of the City of Covington Public Housing Agency, and Joseph Condit, acting City Manager, conspired to deprive him and his tenant of a fair rental subsidy because he is black. Hedrick and Condit allegedly caused the legislative body of the City to pass an ordinance requiring that all two-family homes have a fire escape with the intention of excluding Plaintiff from his subsidy because his building lacked a fire escape; that they further ordered City building inspectors to require Plaintiff to vacate his building and caused him to be arrested and prosecuted for operating a building in violation of the ordinance.

The Defendants took the deposition of Eddie Thompson, Plaintiff, and filed a motion for summary judgment with a supporting affidavit of June Hedrick and Thompson's completed deposition. Thompson claimed he never received a copy of the motion for summary judgment, although the record revealed he responded to it, and that he never received a copy of his deposition. The Sixth Circuit Court of Appeals determined that, assuming the truth of this claim, Thompson was not prejudiced by it. (Petitioner's Appendix 3a).

The Sixth Circuit Court of Appeals in an Order dated May 4, 1983, and after rehearing en banc in an Order dated July 8, 1983, ruled that Plaintiff's action was properly dismissed for several reasons. (1) The Plaintiff inadequately opposed Defendants' motion for a summary judgment because his complaint, deposition, and response failed to show a genuine issue as to a material fact. (2) Plaintiff never showed a foundation upon which to find class-based racial discrimination under 42 U.S.C. 1985. (3) Plaintiff did not demonstrate a constitutional tort cognizable under 42 U.S.C. 1983. (4) Plaintiff presented mere conclusions and inferences drawn from other inferences. (Petitioner's Exhibits A and B, particularly at page 3a).

SUMMARY OF ARGUMENT

Eddie Thompson, who petitions for a writ of certiorari pro se, has presented no reason why the Supreme Court should review his case, has stated issues irrelevant to the ruling of the Sixth Circuit Court of Appeals, and has failed to demonstrate how the lower court erred.

ARGUMENT

The Petitioner, Eddie Thompson, has not given any good reason why the Court should grant a review of his case. He has not demonstrated any conflict in state or federal law or alleged that the Sixth Circuit Court of Appeals has "departed from the accepted and usual course of judicial proceedings."

There was only one issue before the Sixth Circuit Court of Appeals, the correctness of granting Defendants' motion for a summary judgment, and that should be the issue considered by the Supreme Court in deciding the appropriateness of granting a writ of certiorari.

Eddie Thompson does not even consider this singular issue in his rambling argument for granting the writ except to cite some general propositions of law concerning the granting of summary judgments and to conclude that "it is undisputable that Condit and Hedrick in their official capacity prevented the City from making payment to Plaintiff." (Petition for Writ, page 7). This is another example of Thompson's unending catalogue of conclusory allegations and inferences on inferences without a scintilla, a whit, or a jot or tittle of fact.

All other matters discussed by Thompson are irrelevant.

CONCLUSION

Petitioner, Thompson, has not demonstrated any reasons why the ruling of the Sixth Circuit Court of Appeals should be reversed or why this Court should grant him a writ of certiorari. The Petition should be denied.

Respectfully submitted,

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